

In the Drawings

Enclosed is a complete set of drawings.

The attached replacement and annotated sheet(s) of drawings include changes to FIGS. 1-3 and 7 as follows:

FIG. 1 has been amended to include the designation "Mi" consistent with the discussion in the specification.

FIG. 2 has been amended to include the designation "MxTx_i" consistent with the discussion in the specification.

FIGS. 1-3 and 7 have been amended to provide the descriptive legend "Prior Art."

Attachment: Replacement sheet(s)

Annotated sheet(s) showing changes

REMARKS

The Office Action mailed December 7, 2005, has been carefully considered. Reconsideration in view of the following remarks is respectfully requested.

Drawings

The drawing figures have been corrected in accordance with the Examiner's suggestions. Specifically, FIG. 1 has been amended to include the designation "Mi" consistent with the discussion in the specification. FIG. 2 has been amended to include the designation "MxTx1" consistent with the discussion in the specification. FIGS. 1-3 and 7 have been amended to provide the descriptive legend "Prior Art.". No new matter has been introduced. Approval of the corrections is respectfully requested.

Substitute Specification

The specification and abstract have been amended to improve translation quality and to better comply with U.S. patent practice. One example of a change to the specification is the substitution of the term "register" for the term "battery." Register is a more accurate term for the device used to store the data to be packetized, rather than the mistranslated term battery, which is more applicable to the storage of charge rather than data. The FIFO (first-in first-out) device described in the specification (page 2, line 15; page 9, line 11) is consistent with registers, as

those of ordinary skill in the art will recognize. No substantive changes to the specification have been made and no new matter has been introduced. Approval of the substitute specification is respectfully requested.

Claim Objections, and Claim Rejection(s) Under 35 U.S.C. § 112, First Paragraph

Claims 1-3 were rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains or with which it is mostly nearly connected, to make and/or use the invention. Claims 1-3, along with the specification, have been amended in order to more clearly evidence support of the claimed subject matter in the specification. As the passages to which the Office Action makes reference now read, the claimed deterministic transmission of asynchronous data involves the use of packeting modules 13 which receive data from the registers 11 and assemble this data into packets during a realization cycle. Whether or not this realization cycle is complete, a message composition module 15 can request the packets, and the packeting modules 13 will honor this request, sending the packets (regardless of completion state) to the message composition module 15 so that it can compose a message containing the packets for forwarding to the transmission line in the appropriate protocol. Applicant respectfully submits that this process and the device for carrying out same are now clearly set forth in the description, and the objection to and rejection of claims 1-3 relating to this process and device based on 35 U.S.C. 112, first paragraph, should be withdrawn.

Rejection(s) Under 35 U.S.C. § 102

Claims 1 and 2 were rejected under 35 U.S.C. § 102(b) as anticipated by Takashima et al. (U.S. pat. no. 5,509,007; hereinafter, "Takashima").

Claim 1 has been amended to recite "ending, for said first set of packets, said packet realization cycle in said packeting modules at the request of a message composition module," and "forwarding to said message composition module said first set of packets regardless of the state of completion of said first packeting realization cycle." Similarly, claim 2 has been amended to recite "a message composition module receiving the outputs of said plurality of packeting modules and for composing a message therefrom, said message composition module configured to send to each of said plurality of packeting modules an order to terminate a packet assembly procedure regardless of whether said packet assembly procedure is completed." These features are not disclosed in Takashima. Takashima combines information from a plurality of channels (i.e., callers) into a single group accumulated in a code buffer 42. As the discussion col. 6, ll. 55-65 makes clear, the amount of information being accumulated is monitored by a buffer controller 12, and when five sets of coded information have been accumulated, the information is then assembled into the payload of a cell. The amount of information thus obtained is 1) fixed (that is, five sets), and 2) is not a function of a request from a message composer, which request can be made in the middle of an accumulation (realization) cycle. Therefore Takashima does not disclose all of the claimed limitations of claims 1 and 2.

It will be appreciated that, according to the M.P.E.P., a claim is anticipated under 35 U.S.C. § 102 only if each and every claim element is found, either expressly or inherently described, in a single prior art reference.¹ The aforementioned reasons clearly indicate the contrary, and withdrawal of the 35 U.S.C. § 102 rejection based on Takashima is respectfully urged.

Rejection(s) Under 35 U.S.C. § 103 (a)

Claim 3 was rejected under 35 U.S.C. § 103(a) as unpatentable over Takashima in view of Troxel et al. (U.S. pat. no. 6,014,381; hereinafter, "Troxel"). The failure of Takashima to disclose the above mentioned features of claim 1, from which claim 3 depends, is not remedied by Troxel, which does not disclose or suggest "ending, for said first set of packets, said packet realization cycle in said packeting modules at the request of a message composition module," and "forwarding to said message composition module said first set of packets regardless of the state of completion of said first packeting realization cycle." For at least this reason, claim 3 is patentably distinct over the combination of Takashima and Troxel, and the rejection of claim 3 under 35 U.S.C. § 103(a) should be withdrawn.

¹ Manual of Patent Examining Procedure (MPEP) § 2131. See also *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Conclusion


In view of the preceding discussion, Applicants respectfully urge that the claims of the present application define patentable subject matter and should be passed to allowance.

If the Examiner believes that a telephone call would help advance prosecution of the present invention, the Examiner is kindly invited to call the undersigned attorney at the number below.

Please charge any additional required fees, including those necessary to obtain extensions of time to render timely the filing of the instant Amendment and/or Reply to Office Action, or credit any overpayment not otherwise credited, to our deposit account no. 50-1698.

Respectfully submitted,
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